majority to accept, or must it be the unanimous voice?

Mr. Smith A majority Of course, only those who accept would be considered as in good standing in the church.

Mr. Tayler Exactly. Has any revelation made by God to the first president of the church ever been rejected?

Mr. Smith I do not know that it has; not that I know of.

Senator Hoar. That answer presents precisely the question I put to you a little while ago. "Not that I know of," you replied. Do you know, as the head of the church, what revelations to your predecessors are binding upon the church?

Mr. Smith. I know, as I have stated that only those revelations which are submitted to the church and accepted by the church are binding upon them. That I know.

the church are binding upon them.

I know.

Senator Hear. Then the counsel asked you if any revelation of the head of the church had been rejected.

Mr. Smith. Not that I know of. I do not know of any that have been rejected. Senator Hear. Do you mean to reply doubtfully upon that question, whether some of the revenations are binding and the senator.

are not? Smith. There may have been; I do not know of any.
Senator Hoar. Then that is not a mat-ter in which you have an inspired knowl-

edge? Mr. Smith. No, sir.

#### No Revelation Rejected.

No Revelation Rejected.

The Chairman. But you do not know of any instance where the revelation so imparted to the church has been rejected?

Mr. Smith. No, sir, not by the whole church. I know of instances in which large numbers of members of the church have rejected the revelation, but not the body of the church.

Senator Overman, What became of those neonle who rejected it?

those people who rejected it? Mr. Smith. Sir? Mr. Smith. Sir? Senator Overman. What became of the people who rejected the divine revelation; were they unchurched? Mr. Smith. They unchurched themselves.

Senator Overman. Oh, yes. They were
outside the pale of the church then?

Mr. Smith. Yes, sir.

#### Unchurched by Not Believing. The Chairman. They unchurched them-

Selves by not believing?

Mr. Smith. By not accepting.

Mr. Tayler. Then if you had a revelation and presented it to your people, all who did not accept it would thereby be

unchurched?
Mr. Smith. Not necessarily
Mr. Tayler. Not necessarily?
Mr. Smith. No, sir.
Mr. Tayler. I abould like to have you distinguish between this answer and the

one you just gave.

Mr. Smith Our people are given the largest possible latitude for their convictions, and if a man rejects a message that I may give to him but is still moral and believes in the main principles of the gos-I may give to him but is still moral and believes in the main principles of the gospel and desires to continue in his membership in the church, he is permitted to remain and he is not unchurched. It is only those who on rejecting a revelation rebel against the church and withdraw from the church at their own volition.

Senator Hoar. Mr. Smith, the revelations given through you and your predecessors have always been from God?

Mr. Smith. I believe so.

Senator Hoar. Very well. As I understand, those persons who you say rejections of your revelations but still believe in the main principles of the church are at liberty to remain in the church. Do I understand you to say that any revelation coming from God to you is not one of the main principles of the church? Does not the person who rejects it reject the direct authority of God?

Mr. Smith. Yes, sir, no doubt he does, Senator Hoar. And still he remains a member of the church?

Mr. Smith. Yes, sir, and standing if a moral man?

Mr. Smith. Yes, sir.

Mr. Smith. Yes, sir.
Senator Hoar. Although disobeying the direct commandment of God?
Mr. Smith. Would you permit me to

say a few words? Senator Hoar. Certainly. We shall be

#### But Are They Free?

Mr. Smith. I should like to say to the honorable gentlemen that the members of the Mormon church are among the freest and most independent people of all the Christian denominations. They are not all Christian denominations. They are not all smited on every principle. Every man is entitled to his own opinton and his own views and his own conceptions of right and wrong so long as they do not come in conflict with the standard principles of the church. If a man assumes to deny God and to become an infidel we withdraw fellowship from him. If a man commits adultery we withdraw fellowship from him. If men steal or lie or bear faise witness against their neighbors or violate the cardinal principles of the gospel, we withdraw our fellowship. The church withdraws its fellowship from that man and he ceases to be a member of the church. But so long as a man or a woman it honest and virtuous and believes in God and has a little faith in the church

man is honest and virtuous and believes in God and has a little faith in the church erganization, so long we nurture and ald that person to continue faithfully as a member of the church, though he may not believe all that is revealed.

I should like to say this to you, in point, that a revelation on plural marriage is contained in that book. It has been ascertained by actual count that not more than perhaps 3 or 4 per cent of the membership of the Church of Jesus Christ of Latter-day Saints ever entered into that principle. All the rest of the members of the church abstained from that principle and did not enter into it, and many thousands of them never received it or believed it; but they were not cut off from the church. They were not disfellowshipped and they are still members of the church that is what I wish to say.

Senator Dubois. Did I understand you to say that many thousands of them never believed in the doctrine of plural marriage?

Mr. Smith, Ves. sir.—

marriage? Mr. Smith. Yes, sir-

Mr. Smith. Yes, sir—
Senater Dubois You misunderstand
me. I do not undertake to say that they
practiced it. I accept your statement on
that point. But do you mean to say that
any member of the Mormon church in the
past or at the present time says openly
that he does not believe in the principle of
nivral marriages?

that he does not believe in the principle of plural marriages?

Mr. Smith. I know that there are jundreds, of my own knowledge, who say they never did believe in it and never did receive it, and they are members of the church in good fellowship. Only the other day I heard a man, prominent among us, a man of wealth, too, say that he had received all the principles of Mormonism except plural marriage, and that he never had received it and could not see it. I myself heard him say it within the last ten days.

Revelation, Fernanda,

Revelation Foundation Stone.

Revelation Foundation Stone.

Senator Hoar. Is the doctrine of the inspiration of the head of the church and revelations given to one of the fundamental or non-fundamental doctrines of Mormonism?

Mr. Smith. The principle of revelation is a fundamental principle to the church. Senator Hoar. I speak of the revelations given to the head of the church. Is that a fundamental doctrine of Mormonism?

other conclusions in your mind, do you?

Mr Smith. Well, I have reached principles; that is, I have been confirmed in my acceptance and knowledge of principles that have been revealed to me, shown to me, on which I was ignorant before, by reason and facts.

Mr. Tayler. I do not know that I understand your answer. Mr. Stenographer, will you please read it.

What Counsel Was Seeking.

Senator Balley. Before we proceed any further, I assume that all these questions connected with the religious faith of the Mormon church are to be shown subse-quently to have some relation to civil af-fairs. Unless that is true I myself object to solve into the religious opinious of to going into the religious opinions of these people. I do not think Congress has anything to do with that unless their religion connects itself in some way will their civil or political affairs. Now, I that is true, if it is proposed to establish that later on, then of course it is entirely perturent.

is entirely certinent.
Senator Hoar, I suppose you will make your statement with this qualification or explanation, that unless what we might think merely civil or political they deem religious marters.

religious matters.

Senator Balley. Then, of course, it would be a matter addressing itself to us with great force.

The Chairman. The chair supposed that

us with great force.

The Chairman. The chair supposed that this was preliminary.

Mr. Tayler. Undoubtedly.

Senator Balley. I have assumed that it was and have said nothing up to this time. But so far as concerns what they believe, it does not concern me unless it relates to their conduct in civil and political affairs.

Mr. Tayler. Undoubtedly, that is correct. Mr. Smith, in what different ways did Joseph Smith, Jr., receive revelations?

Mr. Smith. I do not know, sir, I was not there.

#### Has Faith in Prophet.

Mr. Taylor. Do you place any faith at all in the account of Joseph Smith, Jr., as to how he received those revelations? Mr. Smith, Yes, str. I de. Mr. Taylor. How does he say he got

Mr. Smith. He does not say.

Tayler. He does not? Smith. Only by the spirit of God. Tayler. Only by the spirit of God? Mr. Smith. Yes sir.
Mr. Tayler. Did Joseph Smith ever say
that God or an angel appeared to him in

Mr Smith. He did. Mr Tuyler. That is what I asked you a

Mr. Tayler. That is what I asked you a moment ago.
Mr. Smith. He did.
Mr. Tayler. Did Joseph Smith contend that always there was a visible appearance of the Almighty or of an angel?
Mr. Smith. No. sir, he did not.
Mr. Tayler. How otherwise did he claim to concluse recognitions?

o receive revelations?

Mr Smith. By the spirit of the Lord.

Mr Tayler. And in that way, such rev-lations as you have received, you have

Mr. Smith. Yes, sir.
Mr. Tayler. The revelations concerning
plural marriages was received by Joseph

Smith? Mr Smith Yes, sir, it was. Mr Tayler. And was published by him,

Mr. Smith Yes, sir. Mr. Tayler. To some members of the

Mr. Inyler. To some memoers of the church?

Mr. Smith. It was.
The Chairman. Mr. Tayler, if you will pardon me, it is now about time for the committee to take a recess, and we will lo so before you enter upon that branch of the examination.

Mr. Tayler. It is a good time so far as the examination is concerned.

The Chairman. The committee will now take a recess until 2 o'clock p. m.

Thereupon (at II o'clock and 45 minutes in) the committee took a recess until to clock p. m.

Revelations Submitted Conference.

#### The committee reassembled at the ex-

The committee reassembled at the expiration of the recess.

The Chairman, You may resume the witness chair, Mr/Smith.

Senator Hoar, Mr/Chairman, before Mr. Smith's examination proceeds I would like to understand as we go along one statement which he made this morning. I understood you to say, Mr. Smith, that the revelations which came to the president of the church, before they were established as a part of the faith of the church were accepted or submitted to the vote of the entire church.

Mr. Smith, Yes, sir.

Senator Hoar, And that if it should happen, as I understood you to state, that a majority rejected such a revelation, although this never had happened and was not likely in your judgment to happen, in that case it would not become a part of the established faith?

Mr. Smith, Yes, sir.

the established faith?

Mr. Smith. Yes, sir.

Senator Hoar. In counting that majority, are the votes of women counted, or only the votes of men?

Mr. Smith. Women and men.

Senator Hoar. Both?

Mr. Smith. Yes, sir.

The Chairman. Mr. Tayler, you may proceed.

## As to Plural Marriage.

Mr. Tayler. You were speaking just be-fore the recess. Mr. Smith, about the rev-elation respecting plural marriages. This reveiation, which was given to Joseph Smith in 1841, was publicly promulgated by Brigham Young in 1852?

Mr. Smith. Yes, sir.

by Brigham Young in 1862?

Mr. Smith. Yes, sir.

Mr. Tayler. The Mormon people were then in Utah; that is, their headquarters was in Utah?

Mr. Smith. Yes, sir.

Mr. Tayler. And most of the Mormon people were there at that time, I assume?

Mr. Smith. No. I do not think so though they may have been. I could not tell you as to that. ell you as to that. Mr. Tayler Whe When did the practice of king plural wives begin, as a matter of

fact?

Mr. Smith. There were a few who received the doctrine under the direct teaching of Joseph Smith and entered into it at that time, before his death.

Mr. Tayler. And for the few years which elapsed between his reception of the revelation and the departure of the people of that church for Utah the practice was carried on to some extent, was it not? Mr. Smith To a limited extent; yes,

it.

Mr. Tayler. To a limited extent?

Mr. Smith. To a very limited extent.

The Chairman. What was the answer?

Mr. Smith. To a limited extent.

Mr. Tayler. From the time you reached Utah until 1893 I believe it has always been claimed, and I suspect the fact to be, that there was no local law controlling the subject of the marriage relation?

Mr. Smith. None that I know of.

Mr. Tayler. In 1882 was passed the first law making bigamy, or the taking of more than one wife, an offense.

Mr. Smith. Yes, sir.

### Mormon View of Law.

Mormon View of Law.

Mr. Tayler. I believe it was always contended, or for many years contended, by the people and leaders of the Mormon church that that law was unconstitutional, as being an infringement upon the right of people to worship God according to the dictates of their own consciences.

Mr. Smith. Our people took the ground that it was an unconstitutional law.

Mr. Tayler. And do you remember when the Supreme court of the United States declared that law constitutional?

Mr. Smith. No: I could not tell you exactly the date. I think it was somewhere in 1889.

that a fundamental doctrine of Mormonism?

Mr. Smith. Yes, sir.

Senator Hear. Does or does not a person who does not believe that a revelation given through the head of the church cames from God reject a fundamental rinciple of Mormonism?

Mr. Smith. He does, always if the revelation is a divine revelation from God. Senator Hear. It always is, is it not? It comes through the head of the church.—Mr. Smith. When it is divine, it always is, when it is divine, when it is divine. You have revelations, have you not?

Mr. Smith. When it is divine. You have revelations, have you not?

Mr. Smith. Had a revelation from God. Senator Hear. It always is, is it not? It comes through the head of the church.—Mr. Smith. When it is divine. You have revelations, have you not?

Mr. Smith. When it is divine. You have revelations, have you not?

Mr. Smith. I have never pretended to, nor do I profess to have received revelations. I never said I had a revelation except so far as God has shown to me that st-called Mormonism is God's divine truth; that is all.

The Chairman. How by inspiration; cots it come in the shape of a vision?

Mr. Smith. By inspiration.

The Chairman. How by inspiration; cots it come in the shape of a vision?

Mr. Smith. By inspiration.

The Chairman. How by inspiration; cots it come in the shape of a vision?

Mr. Smith. By inspiration cots it come in the shape of a vision?

Mr. Smith. When it is divine. What is the use of taking up time with it?

Mr. Tayler. It was declared constitutional in the Reynolds case, was it not?

Mr. Tayler. It was declared that it led that it was an unconstitutional in the Reynolds case, was it not?

Mr. Tayler. It was declared that it led that it was an unconstitutional. What is the same was not decided until a later date, is my understanding of it.

Mr. Tayler. You do not think, then, that the—

Mr. Smith. But that the question of the United States was rendered? That decision of the Supreme court of the United States was rendered? That decision was gendered in 1878 and did hold the

the Supreme court as controlling their

the Supreme court as conduct?

Mr Smith It is so on record.

Mr Tayler Did it?

Mr Smith I think it did, sir

Mr Tayler That is to say, no plural marriages were solemnized in the church after October, 1878?

Mr. Smith. No; I can not say as to that.

Mr. Tayler. Well, if the church solemnized marriages after that time it did not accept that decision as conclusive upon it.

did it.

accept that decision as conclusive upon it, did it?

Mr. Smith. I am not aware that the church practiced polygumy, or plural marriages, at least, after the manifesto.

Mr. Tayler. Yes, I know; but that was a long, long time after that. I am speaking now of 1878, when the Supreme court decided the law to be constitutional.

Mr. Smith. I will say this. Mr. Chairman, that I do not know of any marriages occurring after that decision.

Senator Boveridge. Mr. Tayler, will you permit me to ask you to what point these questions are addressed—what issue they are to sustain? This deals with something that occurred twenty years ago, apparent-

are to sustain? This deals with something that occurred twenty years ago, apparently. I do not know what lesues have been decided upon here, but I assume them to be whether Mr. Smoot is a polygamist, on the one hand, or whether he has taken an oath inconsistent with his duty as a Senator of the United States, or belong to an organization to an organization-

#### Hopkins Stands by Tayler.

Hopkins Stands by Tayler.

Senator Hopkins. I do not think counsel ought to be required to disclose what his purpose is, if he can state to the chair that the testimony is for the purpose of sustaining his position here. It frequently happens that a lawyer, in the examination of a witness, takes a course to develop a certain fact that may not, to those uninitiated, appear to be directly in point, but when it is developed it discloses the reasonableness of the entire examination. Senator Beveridge, it may be. Mr. Chairman: but as far as I, as a member of the committee, am concerned. I listened very attentively to the testimony, and I have the desire and the right to know Just exactly to what issue these questions are addressed, because, very frankly. I do not see the pertinence of this question.

Mr. Tayler. Mr. Chairman, I can readily understand that the Senator can not see the pertinence of this interpretation of the purpose of this interpretation of the purpose of this inquiry, for I have stated here more than once that I was not undertaking, and should not undertake, so far as I was concerned, to offer proof respecting the polygamy of Reed Smoot, nor have I ever lattimated that I was going to prove that

polygamy of Reed Smoot, nor have I ever intimated that I was going to prove that he took any oath I do not know anything about that; but the grounds upon which I did place this inquiry are grounds for the establishment of which exactly the line of testimony which I am now pursuing is necessary. Surely the status of Reed Smoot-because it is a personal question, in the last analysis, as respects his right to be a Senater of the United States-under a claim that he holds supreme allegiance to the sovereignty of this Government, is largely to be determined by precisely what it is, as exhibitmined by precisely what it is, as exhibited by the law of the church of which he is an orthodox member, he declares he must stand for, and which the church, through its history, as exhibited by its acts stands for We cannot understand whether Mr. Smoot's statement is to be taken as really expressive of his state of mind or as indicating a knowledge upon his part of what his real obligation is to this church, until we have really examined, not on the surface, but in the depths, precisely what the church and its leaders stand for; and if Mr. Smoot wants to wholly differentiate himself from his church and his people and the doctrine and life and living of those people, then that is for him to determine; but I do assort, and that is the heart of this thing that he must do that or else declare himself subject to this church of which he is a member.

Senator Beveridge, I understand you to state, then, that the history of the church discloses what its real spirit and purpose is?

Mr. Tayler, Undoubtedly. mined by precisely what it is, as exhibit ed by the law of the church of which b

Mr. Tayler. Undoubtedly. Senator Beveridge. I have no objection to these questions whatever, but I was necessarily absent this morning part of the time and did not catch the pertinence or drift of them except by the statement you have made.

#### you have made. Worthington Takes a Hand.

Worthington Takes a Hand.

Mr. Worthington. This examination,
Mr. Chairman, is directed to things as to
which the facts are admitted in the pleadings in this case, and I submit it is elimply
a waste of time. He is asking this witness about the decisions of the Supremo
court of the United States, which we lawyers practically know by heart, and which
every member of the committee knows by
heart. The Supreme court of the United
States did, in 1878, hold the law consitutional that a man's religious belief would
not be a defense in a criminal action
against him for having two wives. There
was a series of decisions, all of which are was a series of decisions, all of which are set forth in the printed papers here, the last of which was in 1889, and it was delivered in 1890; and in September, 1890, the manifesto referred to, which was what purported to be a revelation from God to the Mormon people, was adopted by them in conference assembled, and polygamy was renounced; and afterwards, in 1894 the State was admitted into the Unio upon the condition that thereafter polygamy should not be practiced.

It does seem to me that we are taking up time here about matters which can

It does seem to me that we are taking up time here about matters which can have no pertinency, and that we ought to come down at least to things that happened after the State was admitted to the Union. I have made no objection. I have felt as the Senator who asked these questions did, that nearly everything asked here is irrelevant, and that very many of the questions which have been asked are questions that ought never to be asked of any man in any tribunal in this country. I am not his counsel, however, and he does not refer to Reed Smoot, but if were on the stand and asked as to communications I had had from the Almighty and what I believed of them, or thought of them. I should take the judgment of the court of last resort before I should answer it. I submit he ought not to be asked what his private beliefs and convictions are, as was suggested here by another Senator who is not here today, beasked what his private beliefs and con-victions are, as was suggested here by an-other Senator who is not here today, be-cause some intimation was given that that might have an effect upon his busi-ness.

Reed Smoot is not charged with polygamy Nobody has ever appeared to sustain that charge. If it is charged he has encouraged polygamy, or encouraged unlawful cohabitation in others, I submit that is the thing to which we should The Chairman. I understand the Sena-

from Indiana withdraws his objec-Senator Beveridge. I made no objec-tion, Mr. Chairman. The Chairman. Or rather, no objection

The Chairman Or rather, no objection was made.
Senator Beveridge No objection was made. I asked a statement of the point to which these questions were addressed, so that I could intelligently understand

so that I could intended them.

The Chairman Proceed, Mr. Tayler as rapidly as possible.

Senator Foraker, Let the stenographer read the last answer.

The stenographer read as follows:

The stenographer read as follows:

Mr. Smith. I will say this Mr. Chairman, that I do not know of any marriages occur-ring after that decision. Senator Foraker You mean plural marriages, I suppose? Mr. Smith, Yes, sir; that is what we neau, plural marriages.

Fixing a Date.

Fixing a Date.

Mr. Tayler. Mr. Smith, in order that I may understand that last answer of yours, I will ask you this. We have fixed the date of this decision as the fall of 1878: am I correct in my understanding of your statement that, so far as you are aware, no polygamous marriage has been performed with the sanction of the church since the fall of 1878?

Mr. Smith. No, sir. I do not wish to be understood that way. I said after—Mr. Tayler. What is the fact?

Mr. Smith. What I wish to be understood as saying is that I know of no marriages occurring after the final decision of the Supreme court of the United States on that question, and it was accepted by our people as the decision of the Supreme court of the United States.

Mr. Tayler. Then you do know of marriages occurring after the decision of 1878 in the Reynolds case?

Mr. Smith. I think likely I do.

Mr. Smith. I think likely I do.
The Chairman. You mean, Mr. Tayler,
plural marriages?
Mr. Tayler. Of course I refer to plural

Mr. Smith. Yes, sir. Senator Foraker, What is the date of the final decision, 1839? Mr. Worthington. The final decision

Mr Worthington. The final decision was in 1890?
Senator Foraker. January, 1890?
Mr. Worthington. No. I have the exact date here. It was May 19, 1890.
Mr. Tayler. I want to interpolate here, in regard to final decision. Of course there was lots of litigation, but the word "final" has no significance at all. In 1878 the Supreme Court of the United States declared the law.

his preme Court of the the law free law free law free law free law free law of 1882.

Mr. Smith. The law of 1882.

Mr. Tayler. Which made plural marriages unlawful constitutional in every ringes unlawful constitutional in every Mr. Tayler. Which made plural marriages unlawful constitutional in every respect.

Senator Foraker. I understand; but the witness said he knew of no plural marriages subsequent to the final decision and the acceptance of it by his church.

Mr. Smith. That is right.

Senator Foraker. I only wanted to know the date of the acceptance. Did that follow immediately after this decision of May 19, 1890?

Mr. Smith. Soon after.

Senator Foraker. Is that the date you refer to?

Senator Foraker. Is that the refer to?

Mr. Smith. The September following. That is the date I refer to.

Senator Foraker. Pardon me for interrupting, Mr. Tayjer: I was not here during the first few minutes of the examination and did not hear the questions.

#### Woodruff Manifesto.

Mr. Tayler. In 1890 what has been called the manifesto of President Wilford Wood-ruff was issued. Is that right? Mr. Smith. I think it is right, sir. I could not say positively from memory. Mr. Tayler. That manifesto, I believe, is printed in this protest, or in the answer, is it not?

hr. Worthington. What purports to be a copy of it begins at page 17.
Senator Foraker. The date of that is given here as September 25, 1896.
Mr. Tayler. Yes; I was looking at the larguage of that manifesto, so far as it affected this question of polygamy. I find in that manifesto these words.

We are not teaching polygamy or plural marriage, nor permitting any person to enter its practice its practice. The product of the practice of the practice of the product of the practice of the product of the likewise.

You recall the issue of that manifesto?
Mr. Smith. Yes, sir.
Mr. Tayler. And that was taken as implying what?
Mr. Smith As implying that plural marriages would stop in the church.

## Is Vague Answer.

Senator Hoar. That is rather a vague question. You say, "That was taken." Taken by whom? Mr. Smith. By the church. Mr. Tayler. By the people of your church and by your church. What was

Smith. I have given the answer. Mr. Smith. I have given the answer.
Mr. Tayler. In the prayer for amnesty
of December, 1891, which is found on page
18, you and others signed that application
for amnesty, did you not?
Mr. Smith. Yes, sir, we did.
Mr. Tayler. I merely want to call your
attention to the language of this injunction respecting polygamy. I read—
The Chairman. Where do you read
from?

Tayler. I read from about the sev-

enth paragraph, on page 18, of the appli-cation or prayer for amnesty; According to our creed, the head of the church receives from time to time revela-According to our creed, the head of the church receives from time to time revela-tions for the religious guidance of his peo-ple. In September, 1890, the present head of the church in angulah and prayer cried to God for help for his flock and received per-mission to advise the members of the Church of Jesus Christ of Latter-day Saints that the law commanding polygamy was henceforth suspended.

The orthodox members of the Mormon church had accepted the revelation of Joseph Smith respecting plural marriages as laying down a cardinal and fundamental doctrine of the church, had they not?

Mr. Smith. Yes, sir.
Senator Dubois. Not Joseph Smith?
Mr. Tayler. I mean Joseph Smith, Jr.
Mr. Smith. That is right.
Mr. Tayler. And as is often stated in these papers, plural marriages in consequence of that had been entered into?

Mr. Smith. Yes, sir.

### Intent of Manifesto

Mr. Tayler. This manifesto was intend-d to reach through all the world wher-ver the Mormon church operated, was it

r. Smith. It is so stated.
r. Tayler. It is so stated?
r. Smith. Yes, sir.
r. Tayler. Well, where?
r. Smith. In the investigation that fol-

Tayler. Then the fact is-Smith. Before the master in chan-

Taylor.
Smith. Before the masse.
I suppose.
Worthington. Let him finish his anWorthington. Let him finish his anMr. Tayler.
Tayler. It is not an answer to say
Taylor. It is not an answer to say i in some document. Smith. It is stated in a document.

Mr. Tayler. Is stated in a document.
Mr. Tayler. Is that the fact?
Mr. Smith. Let me hear your question.
Mr. Tayler. That the suspension of the
law commanding polygamy operated
everywhere upon the Mormon people,
whether within the United States or with-

Mr. Smith. That is our understanding, Tayler, Did this manifesto and the plea for amnesty affect also the continu-ance of cohabitation between those who had been previously married? Mr Smith, It was so declared in the examination before the master in chan-

examination before the master in chan-cery.

Mr. Tayler. I am asking you.

Mr. Smith. Weil, sir; I will have to re-fresh my memory by the written word.

You have the written word there and that states the fact as it existed.

Mr. Tayler. I want to ask you for your answer to that question.

Mr. Smith. What is the question?

## Stenographer Reads Question.

Mr. Tayler. The stenographer will The stenographer read as follows:
Did this manifesto and the plea for amheaty affect also the continuance of cobabitation between those who had been previously

Mr. Smith. It was so understood Mr. Tayler. And did you so under

it?
Mr. Smith. I understood it so; yes, sir.
Mr. Tayler. The revelation which Wilford Woodruff received. In consequence
of which the command to take plural
wives was suspended, did not, as you
understand it change the divine view of
plural marriages, did it?
Mr. Smith. It did not change our belief at all.

lief at all.

Mr Tayler. It did not change your belief at all? Mr. Tayler. It did not change your belief at all?

Mr. Smith. Not at all. sir.

Mr. Tayler. You continued to believe that plural marriages were right?

Mr. Smith. We do. I do, at least. I do not answer for anybody else. I continue to believe as I did before.

Mr. Tayler. You stated what were the standard inspired works of the church, and we find in the book of doctrine and covenants the revelation made to Joseph Smith in 1843 respecting plural marriages. Where do we find the revelation suspending the operation of that command?

Mr. Smith Printed in our public works.

Mr. Tayler. Printed in your public works?

Mr. Smith. Printed in pamphlet form. You have a pamphlet of it right there.

Manifesto Not Printed in Books.

Manifesto Not Printed in Books.

Mr. Tayler. It is not printed in your work of Doctrine and Covenants? Mr. Smith. No. sir; nor a great many other revelations, either. Mr. Tayler. Nor a great many other revelations?

Mr. Smith. Yes, sir. Mr. Tayler. How many revelations do ou suppose-Mr. Smith. I could not tell you how many.
Mr. Tayler. But a great many?
Mr. Smith. A great many.
Mr. Tayler. Why have they not been printed in the Book of Doctrine and Covenants?

Mr. Mr. Smith. Because it has not been deemed necessary to publish or print them.

Mr. Tayler. Are they matters that have been proclaimed to the people at large? Mr. Smith. No. sir: not in every in-

Mr. Tayler. Why not?
Mr. Smith. Well, I don't know why not
t was simply because they have not Mr. Tayler. Is it because they are not of general interest, or that all of the people need to know of?

Mr. Smith. A great many of these revelations are local.

Mr. Tayler. Local?

Mr. Smith. In their nature. They apply to local matters.

to local matters

Mr. Tayler. Yes, exactly

Mr. Smith. And these, in many instances, are not incorporated in the general revelations, and in the Book of Doctrine and Covenants

#### President Explains.

Mr. Tayler. For instance, what do you mean by local?
Mr. Smith. Matters that pertain to lecal interests of the church.
Mr. Tayler. Of course the law or reveation suspending polygamy is a matter hat does affect everybody in the church.
Mr. Smith. Yes.
Mr. Tayler. And you have sought to nform them all, but not by means of sutting it within the covers of one of sour inspired books?
Mr. Smith. Yes.
Mr. Smith. Yes.

inform them all, but not by means of putting it within the covers of one of your inspired books?

Mr. Smith Yes.

Mr. Tayler. The various revelations that are published in the Book of Doctrine and Covenants covered twenty-five or thirty years, did they not?

Mr. Smith. Yes. sir.

Mr. Tayler. And as new revelations were given they were added to the body of the revelations previously received?

Mr. Smith. From time to time they were, but not all.

Mr. Tayler. No; but I mean those that are published in that book?

Mr. Smith. Yes. sir.

Mr. Tayler. You have, I suppose, published a great many editions of the Book of Doctrine and Covenants?

Mr. Smith. Yes, sir.

Mr. Tayler. And as recently as 1903 you have put out an edition of that book?

Mr. Smith. Well. I can not say that

Smith Well, I can not say that from memory.

Mr. Tayler. No: but within the last year, or two, or three?

Mr. Smith. Yes; I think, likely, it is so. No Qualifications.

No Qualifications.

Mr. Tayler. As the head of the church, have you given any instruction to put within that book of Doctrine and Covenants any expression that the revelation of Joseph Smith has been qualified?

Mr. Smith. No, sir.
Mr. Tayler. The revelation of Joseph Smith respecting plural marriages remains in the book?

Mr. Smith. Yes, sir.
Mr. Tayler. And in the last editions just as it did when first promulgated?

Mr. Smith. Yes, sir.
Mr. Tayler. And it remains now without expurgation or note or anything to show that it is not now a valid law?

Mr. Smith. In the book?

Mr. Tayler. In the book; exactly.

Mr. Smith. Yes, sir.
Mr. Tayler. And in connection with the publication of the revelation itself.

Mr. Smith. But the fact is publicly and universally known by the people.

The Chairman. There is one thing I do not understand that I want to ask about. This manifesto suspending polygany, I understand, was a revelation and a direction to the church?

Mr. Smith. I understand it, Mr. Chairany, I understand, was a revelation and a direction to the church?

Mr. Smith. I understand it, Mr. Chairman, just as it is stated there by President Woodruff himself. President Woodruff makes his own statement. I can not add to nor take anything from that state-The Chairman. Do you understand that was a revelation the same as other evelations? that President Woodruff was inspired to put forth that manifesto. The Chairman And in that sense it was a revelation? Mr. Smith. Well. If

ne.
The Chairman. Yes.
Mr. Smith. Most emphatically.
The Chairman. Yes; and upon which ou rely. There is another revelation diecting plural marriages, I believe, predous to that?
Mr. Smith. Yes.

## Believes in Plural Marriages.

The Chairman, And I understand you to say now that you believe in the former revelation directing piural marriages in spite of this later revelation for a disontinuance? Mr. Smith. That is simply a matter of ellef on my part. I can not help my bellef.
The Chairman. Yes, you adhere to the original revelation and discard the lat-

original revelation and discard the latter one.

Mr. Smith, I adhere to both. I adhere
to the first in my belief. I believe that
the principle is as correct a principle today as it was then.

The Chairman. What principle?

Mr. Smith. The principle of plural marriage. If I had not believed it, Mr. Chairman, I never would have married more
than one wife.

The Chairman. That is all.

man, I never would have married more than one wife.

The Chairman. That is all.

Senator Hoar. I understand that this second revelation is not a revelation discontinuing polygamy, but that it is a revelation that the law commanding it is suspended.

Mr. Smith. Is stopped.

Senator Hoar. That is the same thing. Mr. Smith. The same thing.

Senator Hoar. The word "guspended." I think, is used.

Mr. Smith. It is used subsequently to the document itself.

Senator Hoar. So that I understand, if I get it right, that your attitude is that while it was originally a divine command to practice it and so of course it must be a thing innocent and lawful and proper in itself in the nature of things yet that the obligation to do it as a divine ordinance is now discontinued, and therefore, there being no divine command to do it, your people submit themselves to the civil law in that perifeciar. Is that

#### o do it, your people submit themselves o the civil law in that particular. Is that our idea? Mr. Smith. That is correct. Senator.

Figures About Polygamy. Senator Foraker. I understood you to say this morning that at all times prior to any of these decisions and prior to this manifesto there was only a small per cent of the membership of the church that did in fact practice polygamy. Mr. Smith. Not to exceed 3 per cent. Senator Senator Forsker. And that they were

Senator Foraker. And that they were not required, and the revelation was not construed to be a requirement that every member of the Mormon church should practice plural marriage? Mr Smith. No, sir, it was in the na-ture of permission rather than mandaory.

Senator Hopkins. That is the way it
was originally, as you understand it?

Mr. Smith. Yes, sir; that is the original

Signed Amnesty Plea.

Mr. Tayler. You have stated, as I re-tail it, that you were one of those who signed the plea for amnesty in 1891. Mr. Smith. That is correct. Mr. Tayler. With you were all of the eading officers of the church—that is to say, the first presidency and the twelve apostles—who were in the country or yallable to sign that plea. Is that cor-rect?

rect?
Mr. Smith. Is the question that all who were available signed it?
Mr. Tayler. Yes.
Mr. Smith. Yes, sir; I believe so. I think their names are there.
Mr. Worthington. Are you referring to the plea of 1891. Mr. Tayler?
Mr. Tayler. Yes; the plea of 1891. They are not attached to the copy I have before me, that is why I asked the question. Mr. Van Cott. It is on page 18, Just

above the quotation.

Mr. Tayler. I think there was one who did not sign it, because he was absent.

Senator Smoot. He eigned it afterward. Mr. Tayler. That plea for amnesty, besides pideging the abandonment of the
practice of taking plural wives also
piedged the signers of that petition and
all others over whom they could exercise any control to an obedience of all
the laws respecting the marriage relation?

#### Mr. Smith. Yes, sir. Knew Abraham H. Cannon.

Mr. Tayler. Did you know, in his life-time, Abram H. or Abram M. Cannon? Mr. Smith. Abraham H. Cannon-I know him well.

Mr. Tayler. What official position did Mr. Tayler. What official position du le occupy?
Mr. Smith. He was one of the twelve. Mr. Tayler. Was he a polygamist?
Mr. Smith. I believe he was. I do not snow much about his family relations. Mr. Tayler. You do not know whether he had more than one wife or not?
Mr. Smith. I could not say that I know that he had, but I believe that he had. Mr. Worthington. At what time are you speaking of?

ou speaking of? Mr. Tayler, During his lifetime, of

Mr. Tayler During his hierarchicourse.

Mr Worthington. That would be highjy probable. The question is whether it
was before or after the manifesto.

Senator Foraker. When did he die?

Mr. Tayler. He died in 1898, I believe.

Did you know any of his wiver?

Mr. Smith. I have known some of them
by sight. Mr. Smith. I have by sight.
Mr. Tayler. Did you know Marian Scoies Cannon?
Mr. Smith. No. sir.

#### Knew Lillian Hamilton.

Mr. Tayler, I mean Lillian Hamlin, Did know her know her?

Smith I know her by sight; yes.
Tayler. Do you know her now?

Smith. Yes: I know her now.

Tayler. Was she his wife?

Smith. That is my understanding, she was his wife.

Do you know when he

that she was his wife.

Mr. Tayler. Do you know when he married her?

Mr. Smith. No. sir; I do not.

Mr. Tayler. Did you marry them?

Mr. Smith. No. sir; I did not.

Mr. Tayler. How long did you know.

her?

Mr. Smith My first acquaintance with
her was in June. The first time I ever
saw her was in June, 1898, I believe, as
near as I can recall.

Mr. Tayler. What year, Mr. Smith?
Mr. Smith. In 1896. Some time in June,
1896.

Mr Tayler, Where was she living hen?
Mr. Smith. I am not aware of where
the was living. I think her home was in Mr. Smith. I am not aware of where she was living. I think her home was in Salt Lake City.
Mr. Tayler. Is that where she was when you became acquainted with her?
Mr. Smith. That is where I first saw her, in Salt Lake City.
Mr. Tayler. Did you see her after that?
Mr. Smith. Yes, sir.
Mr. Tayler. Where?
Mr. Smith. I have seen her a number of times since, in Provo, in Salt Lake City, and elsewhere.

#### Saw Her in California. Mr. Tayler. You did not see her in Call-

a about that time?
Smith. I did. most distinctly.
Tayler. Where?
Smith. In Los Angeles.
Tayler. With whom was she there?
Smith. She was with Abraham Tayler. Was she married to him

Mr. Smith. That is my understanding, Mr. Tayler. Was she married to him Mr. Tayler. Was she married to him when you saw her shortly before that? Mr. Smith. That is my belief. That is, I do not know anything about it, but that is my belief, that she was his wife. Mr. Tayler. Your belief is that she was then his wife, when? When you first saw her and knew her?

He Accompanied Cannon.

Mr. Smith. When I first saw her. The first time I ever saw her, if the chairman will permit me to tell the facts, was some time in June-I do not remember the date—1896. I was at that time president of the Sterling Mining and Milling company. At that time I was not the president of so many institutions as I am now. Abraham Cannon was the manager of those mines. We had a gentleman employed by the name of Giliesple as foreman of the mines for a number of months, but we were losing money and matters did not move satisfactorily, and Mr. Canlesple made a proposition to Mr. Can-He Accompanied Cannon. did not move satisfactorily, and Mr Gillespie made a proposition to Mr. Cannon to lease the mines and milis. There were two ten-stamp milis established at the mines. I was asked by the board of directors to accompany Abraham H. Cannon to Los Angeles, where we met Mr. Gillespie and entered into a contract with him to lease the mines to him, and there, as the president of the company, I had to sign a number of notes and to sign a contract, he being the manager. I accompanied Abraham H. Cannon and his wife on that trip, and had one of my wives with me on that trip.

Had Known Cannon for Years

## Had Known Cannon for Years.

Mr. Taylor. How intimately had you nown Abraham H. Cannon before this? for years you had known him well, had Mr. Smith. I had known him a great many years.

Mr. Tayler. When did you first learn that Lillian Hamlin was his wife?

Mr. Smith. The first that I suspected anything of the kind was on that trip, because I never knew the lady before.

Mr. Tayler. Now, if Lillian Hamlin, within a year or two years prior to June, 1996, was an unmarried woman, how could she be married to Abraham H. Cannon or Abraham M. Cannon?

Mr. Van Cott. Mr. Chairman, we object to the assumption that Mr. Tayler makes in that question. I think it is improper that he should make any assumption in putting the question. I ask to have the question read.

Mr. Smith. I can say that I do not know anything about it.

Mr. Van Cott. If he knows nothing about it. I expect that does away with the objection.

## Tayler's Pointed Questions.

Mr. Taylor Do you know that Lillian Hamlin was not his wife in 1832? Mr. Smith. I do not know anything about it sir. I did not know the lady and never heard of her at all until that rip. Mr. Tayler. Did you know that she was

engaged to be married to Abraham H Cannon's brother? Mr. Smith No, sir; I did not know that Mr. Tayler. Do you know George Tens-Smith. Yes, sir; I know George Mr. Tayler. How long have you known

Nr. Tayler. He is one of the apostles? Mr. Smith. Yes, sir. Mr. Tayler. How long has he been one f them? Mr. Smith. That I could not tell you from memory.

Mr. Tayler. Well, about how long?

Mr. Smith. I should think over twenty

Mr. Smith. I have known him over since

## Mr. Tayler. How often do the first residency and the apostles meet? Mr. Smith. We generally meet once a Mr. Tayler. Was he a polygamist?

Van Cott Objects.

Mr. Van Cott Objects.

Mr. Van Cott Mr. Chairman, we object to this question for the reason that it is entirely immaterial and irrelevant in the inquiry affecting Mr. Smoot's right to be a Senator, as to any offense that may have been committed by any other person. Of course this objection was one that was mooted at the time of the preliminary matter. Our position was stated by us, and as I remember at that time Mr. Tayler stated his position. There are several Senators around the table at this time who were not present at that time. time who were not present at that time, and in making the objection I wish to refer just briefly to the matter, so as to bring the history up to this time.

The chairman at that time stated that he would like our views on certain the contraction. The chairman at that time stated that he would like our views on certain matters. One of them that was mooted and discussed at some little length was whether it was material to inquire into anything except what affected Reed Smoot Reed Smoot is claiming his seat as United States Senator. If he has committed any offense as polyramy if he as United States Senator If he has com-mitted any offense, as polygamy, if he has taken any oath that is inconsistent with good fellowship, of course that can be inquired into; but it was claimed by counsel for the protestants at that time that they would go into offenses that they alleged had been committed by other per-sons than Reed Smoot, and the question is whother that is material. It was dis-cussed at that time before some of the Senators present, but not decided, it be-ing announced afterward, as I understood, that that matter would be decided and passed upon when we came to the intro-duction of testimony.

passed upon when w duction of testimony. Salt Laker Warms Up.

At that time I made the statement, and I repeat it, that if this were in a court of justice, to introduce testimony tending to show that A, B and C were guilty of

an offense for the purcose of convicing Reed Smoot would not be thought of as offered by any attorney, and would not be received by any court, because it would be opposed to our fundamental sense of justice to introduce any such testimony or consider any such testimony in a court. As Senator Hopkins said at that time, this is not a court; but I know there are many eminent lawyers here, who are Senators, at this table and on this committee listening to the testimony. From my standpoint, I see no more distinction as to its being in opposition to fundamental justice to introduce testimony as to Teasdale, as to A. H. Cannon, and as to A. B and C for the purpose of affecting Reed Smoot than it would be in a court of justice.

Suppose that the testimony should be introduced and the committee should receive it, that A. B and C have violated the law of the marriago relation. When it is received, are you going to deny Reed Smoot a seat in the United States Senate on that proof? If you are, then you might as well stop here, because the relation of living with more than one wife, so that It is unnecessary to go on if that is all that is required If, on the other hand, that class of testimony is not going to deny Mr. Smoot a seat in the Senate, and should not be received here.

Says Protest Is Academic.

#### Says Protest Is Academic.

Says Protest Is Academic.

The Senators will observe that when they pick up this protest and read through all these charges, there is not, from cover to cover, one charge in it except academic questions. There is not one charge in it that the voters in Utah were not free to vote as they pleased. There is the academic question whether theoretically the church might not have controlled some of those votes; but there is no charge that the church did control them or did attempt to control them.

control them or did attempt to control them.

So, in the same way, when you look through those charges, there is not one charge nor one hint nor one insindation that the election of Reed Smoot to the Sonate of the United States was not the result of the free expression of voters. If that is true, it seems to me utterly illogical to say that this class of testimony can go in unless the committee is going to say that on that Reed Smoot is going to be charged with and convicted of something that A. B and C have done.

## Hoar Supposes a Case.

Hear Supposes a Case.

Senator Hear. Suppose this were the charge. I do not wish to be understood now, by putting a question, to mean that a particular answer to it ought to be made. I do it in order to bring a matter to your attention. Suppose that Mr. Smoot belonged to an association of counterfeiters. I will not say Mr. Smoot particularly, but suppose some oth particularly, but suppose some oth particularly, but suppose some oth member of the Senate were charged with belonging to an association of counterfeiters and it were proved that he was one of a body of twelve men, frequently meeting, certain to be very intimate with each other from the nature of their relation, all of whom except himself had formerly believed that counterfeiting was not only lawful, but, under certain circumstances under which they stood, was duty, and it was sought to be proved that all these persons whose opinion, way of life, and practice he was likely to know continued in the practice of counterfeiting down to the present time; would or would not that be one step in proof that he himself thought counterfeiting lawful, and, connected with other testimony which might be introduced hereafter, that he practiced it?

That last suggestion, however, would not be applicable to this case, because he distinctly disclaims that he is a counterfeiter himself, but the point is that it is claimed, as I understand, that he belongs to an association which still practically, though covertly, inculcates and permits counterfeiting in people at large. Without Intimating the learn opinion that this fact is true, is it not a view of the case which authorizes the pursuit of this branch of inquiry as to these other men?

Mr. Van Cott, If I understand the question of Senator Hoar correctly the over-

these other men?
Mr. Van Cott. If I understand the question of Senator Hoar correctly, the question of practice is eliminated?
Senator Hoar. Yes
At this point the committee took a recess for ton minutes

After Recess. The committee reassembled at the ex-The committee reassembled at the ex-piration of the recess.

The Chairman, Mr. Van Cott, in your statement just made, I think I either misunderstood you, or the statement is not exactly accurate. You say

not exactly accurate. You say

The chairman at that time stated that he
would like our views on certain matters,
the of them that was mooted and discussed.

The chair did not make that statement out simply said

was deemed expedient by the committee is request the protestants, by their autorites, to appear and advise the committee in a general way of the testimony intended to be submitted in support of the protest, or any part thereof, and the legal contentions connected therewith.

It was also deemed advisable that the junks Senator from Utah (Mr. Smoot), by himself or his attorney, should, if he so desired, advise the committee what part of the cotention of the protestants counsel it was the posed to controvert. Such a course, if we

# attention to any particular subject, stated in a general way that the cou-might outline the bounds of the t-mony.

The chair was not aware that he invited

Hoar's Understanding. Hoar's Understanding.

Senator Hoar I understood, Mr. Chairman, that the conclusion reached by the committee was, stated briefly, that there were two issues stated by the protestants and the respondent. One was whether or not Reed Smoot had practiced polygamy, and that, I understand, has been abandoned. Therefore there is only the other one, which was whether or not, as an official of the Mormon church, he took an eath or an obligation that was superior, in his estimation and in its requirements upon him, to the oath or obligation which he must take to qualify as a Senator. Those I understood to be the two issues, of which only the one is remaining.

remaining. Senator Dubois. Mr. Chairman, I wan senator Duois ar Chairman, I was to bear my testimony as to what occurred. Both of those contentions were set aside entirely. It was not contended that they should be attempted to be proven by the attorneys representing the protestants. Those two questions being entirely eliminated, the counsel for the entirely eliminated, the counsel to protestants announced what he would at-tempt to prove, which is set forth in the proceedings of the committee, and on the the hearing was ordered. It was not ordered at all either upon the charge the

# Mr. Smoot was a polygamist or that h had taken an oath incompatible with hi oath as a Senator.

What the Issue Is. Senator Beveridge. Then, just what is the issue?
Senator Dubois. If the Senators had been at the meetings they would have known, but not having been at the moti-

Ings.—
Senator Foraker. I want to say that I
Was called out of the city and I was not
present, and I was not present at the
meeting at which counsel made the statement to which the Senator from Idaho

refers
Senator Dubois. The statement of the
Senator from Idaho will not be made by
any Senator who was at the meetings.
Senator Foraker. I say I was not at the
meeting. I understood that the committe
teached the conclusion I have stated a
the meeting when I was present I de
not know that the issue was afterware
changed. If it has been changed, I would
like somebody to state it.
Senator Beveridge. So should I.
Mr. Tayler. Let me clear this away, Mr.
Chairman.

Mr. Tayler. Let me clear this away.
Chairman.
Senator Foraker. I never knew until
Mr. Tayler stated it a while ago that had abandoned the idea of proving.
Mr. Smoot had taken an obligation of interfered with the obligation of his oat
Mr. Tayler. I cannot abandon that which I never occupied or possessed.
Senator Dubois. He never alleged it.
Senator Foraker. Bear with me a mistic. There will be plenty of time to re-